

Exhibit 3

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO

01-7495
CIV - DIMITROULEAS

MARCEL FASHION GROUP INC.,
a Florida corporation

Plaintiff,

v

LUCKY BRAND DUNGAREES, INC
A Delaware corporation, and
FEDERATED DEPARTMENT STORES INC
A Delaware corporation,

Defendants

MAGISTRATE JUDGE
JOHNSON

FILED
SEP 20 2001
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
J. D. JOHNSON

COMPLAINT

Plaintiff, Marcel Fashion Group, Inc., by and through their undersigned attorney, sues
Defendant, Lucky Brand Dungarees, Inc. and Federated Department Stores, Inc., and alleges

JURISDICTION AND VENUE

1 This is an action for injunctive and other relief under the Federal Trademark Act,
15 U.S.C. § 1051, et seq. (Lanham Act), particularly 15 U.S.C. § 1125 for trademark
infringement, reverse confusion, false designation of origin, false description or representation
and related unfair competition. Plaintiff also asserts claims under the common law for trademark
infringement, and unfair competition.

2 This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331,
1338(a), and 1338(b).

1/
EP

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

3 Venue is proper under 28 U.S.C. §§ 1391(b) and 1391(c) in that, upon
information and belief, the wrongful acts committed by Defendants occurred in and are causing
injury in the Southern District of Florida

THE PARTIES

4 Plaintiff, Marcel Fashion Group, is a corporation duly organized under the laws of
the State of Florida ("Marcel") with its principal place of business in Miami-Dade County, State
of Florida

5 Defendant, Lucky Brand Dungarees, Inc. ("Lucky Brand"), is a corporation duly
organized under the laws of the State of Delaware with its principal place of business in the State
of California, is actively doing business in the Southern District of Florida, and is otherwise sui
juris

6 Defendant, Federated Department Stores, Inc. ("Federated") is a corporation duly
organized under the laws of the State of Delaware is actively doing business in the Southern
District of Florida, specifically, through Bloomingdales, and is otherwise sui juris

PLAINTIFF'S TRADEMARK

7 Plaintiff is maker of clothing namely mens and women's jeans and t-shirts baby
clothes, namely t-shirts, short sets comprised of tops and shorts pant sets comprised of tops and
pants, and rompers

8 Plaintiff has, since at least as early as 1985 and long prior to the acts of Defendants
complained of herein, adopted and used in commerce the inherently distinctive designation and
trademark "GET LUCKY" ("the mark or trademark") on its goods since at least as early as 1985

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

and is the owner of the trademark under statutory and common law rights, due to the nationwide sales of Plaintiff's goods under the "GET LUCKY" trademark

9 Such use has been continuous since at least as early as 1985 and Plaintiff's use has been nationwide, including, but not limited to, the states of California, Georgia, Texas, New York, Nevada, and Florida

10 In or around April, 1998, Plaintiff filed a trademark application with the United States Trademark Office seeking registration of the "GET LUCKY" mark which it had used since at least as early as 1985 on its goods

11 Plaintiff's application was assigned Serial Number 75/466,537, and was published for opposition in the Official Gazette on January 25, 2000

12 Defendant Lucky Brand filed a formal opposition in the United States Patent and Trademark Office which is the subject of Opposition No. 118,603

13 Plaintiff is the senior user by virtue of its prior use of the mark "GET LUCKY," since Plaintiff has continuously used the mark since at least as early as 1985, which pre-dates Defendants' first use

14 Since long prior to the acts of Defendants complained of herein, Plaintiff has achieved wide-spread and substantial sales of its goods designated by the trademark "GET LUCKY" in commerce

15 By virtue of long and continuous use, and since long prior to the acts of Defendants complained of herein, the marks have developed a secondary meaning and significance, and have been readily recognizable by the public and the trade as a designation associated with Plaintiff

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

16 The trademark, since long prior to the acts of Defendants complained of herein, has been associated in the public mind exclusively with Plaintiff and its goods. The mark had come to identify Plaintiff's goods, and furthermore, to distinguish said goods from those of others.

DEFENDANTS' ACTIVITIES

17 Defendants operate various retail stores throughout the United States, including the Southern District of Florida.

18 Defendant Lucky Brand has admitted to using the designation "GET LUCKY," and have admitted that its designation "GET LUCKY" is identical to Plaintiff's "GET LUCKY" designation, at least as to visual appearance, sound, commercial impression, and connotation, on identical or closely related goods. Attached as **Exhibit "A"** is Defendant Lucky Brand's Notice of Opposition filed on May 3, 2000 with the United States Trademark Office before the Trademark Trial and Appeal Board.

19 Defendants have placed advertisements using the designation "GET LUCKY" in various medium, including print, magazine, and bench ads, and as a result, have sold goods by utilizing the "GET LUCKY" trademark or designation.

20 Defendant Lucky Brand has admitted that a likelihood of confusion exists as a result of the parties' respective uses of the "GET LUCKY" designation, as stated in Defendant Lucky Brand's Notice of Opposition.

21 Long subsequent to Plaintiffs' adoption and use of the marks in commerce, Defendants have used Plaintiff's mark in the advertisement and sale of identical and closely related goods such that Defendants' use is likely to cause consumer confusion.

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

22 Plaintiff has never permitted nor licensed Defendants' use of Plaintiff's trademark

23 Plaintiff is not affiliated, connected, or associated with Defendants, nor has Plaintiff originated, sponsored, or approved of Defendants' use of the marks

24 Defendants have misappropriated the goodwill associated with Plaintiff's mark for their own use

25 Defendants' use of the marks on identical or closely related products and services is likely to cause confusion and a false association between Plaintiff's products and services, and the products and services offered by Defendants, falsely leading consumers to believe that they emanate from the same source

26 Defendants' use in commerce of the trademarks is designed and calculated and is likely to cause confusion, to cause mistake, and to deceive customers and prospective customers as to the origin or sponsorship of Defendants' products and services, and to cause them to mistakenly believe that Defendants' products are the products of Plaintiff or are sponsored, licensed, authorized, or approved by Plaintiff, all to the detriment of Plaintiff, the trade, and the public

27 Reversely, and in the alternative, Defendants' use of the trademark in its vast and extensive advertising under the "GET LUCKY" trademark has so saturated the market, resulting in a likelihood of confusion, mistake, and the deception of customers and prospective customers as to the origin or sponsorship of Plaintiff's products and goods, and to cause them to mistakenly believe that Plaintiff's products and goods are those of Defendants or are sponsored, licensed, authorized, or approved by Defendants, all to the detriment of Plaintiff, the trade, and the public

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

28 Defendants' aforesaid acts have harmed Plaintiff's reputation, severely damaged Plaintiff's goodwill, and upon information and belief have diverted sales from Plaintiff, and have resulted in diminished sales

29 Defendants' aforesaid acts have caused and will cause great and irreparable injury to Plaintiff, and unless said acts are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury

30 Plaintiff has no adequate remedy at law

COUNT I - FEDERAL TRADEMARK INFRINGEMENT

31 Plaintiff incorporates herein each and every allegation set forth in Paragraphs 1 through 30 as if fully set forth herein

32 With full knowledge and awareness of Plaintiff's ownership and prior use of the 'GET LUCKY' trademark, Defendants have intentionally used in commerce, and upon information and belief, will continue to intentionally use the trademark and designation, which use is likely to cause confusion, or to cause mistake or to deceive consumers and the public at large

33 Defendants' aforesaid acts constitute infringement of Plaintiff's rights in violation of §43 of the Lanham Act, 15 U.S.C. §1125, and upon information and belief, Defendants' use of the trademark and designation is intentional and wilful

34 Plaintiff has no adequate remedy at law

COUNT II - REVERSE CONFUSION

35 Plaintiff incorporates herein each and every allegation set forth in Paragraphs 1 through 30 and 32-34 as if fully set forth herein

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

36 Due to Defendants' vast and extensive advertising, Defendants have so swamped Plaintiff's reputation in the market that customers, the trade, and the public are likely to be confused into thinking that Defendant Lucky Brand is the owner of the trademark "GET LUCKY" and that Plaintiff's goods are those of Defendants resulting in reverse confusion

37 Defendants' aforesaid acts constitute infringement of Plaintiff's rights in violation of §43 of the Lanham Act 15 U.S.C. §1125 and upon information and belief Defendants' use of the trademark and designation is intentional and wilful

38 Plaintiff has no adequate remedy at law

**COUNT III - FALSE DESIGNATION, DESCRIPTION,
AND REPRESENTATION UNDER THE LANHAM ACT**

39 Plaintiff incorporate herein each and every allegation set forth in Paragraphs 1 through 30 32-34 and 36 37 as if fully set forth herein

40 Defendants have intentionally used and upon information and belief will continue to use in commerce the accused trademark which use constitutes false designation(s) of origin false or misleading description(s) of fact or false or misleading representation(s) of fact which are likely to cause confusion, or to cause mistake or to deceive as to affiliation connection or association with Plaintiff or origin sponsorship or approval of Defendants' products by Plaintiff

41 Defendants' aforesaid acts constitute unfair competition, false designation of origin and/or false description or representation in violation of §43(a) of the Lanham Act 15 U.S.C. §1125(a)

42 Plaintiff has no adequate remedy at law

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

COUNT IV - COMMON LAW TRADEMARK INFRINGEMENT

43 Plaintiff incorporate herein each and every allegation set forth in Paragraphs 1 through 30, 32-34, 36-37, as if fully set forth herein

44 Defendants' aforesaid acts constitute false designation(s) of origin, false or misleading description(s) of fact, or false or misleading representation(s) of fact, which are likely to cause confusion, or to cause mistake, or to deceive as to affiliation, connection, or association with Plaintiff, or origin, sponsorship, or approval of Defendants' products by Plaintiff

45 Plaintiff has no adequate remedy at law

COUNT V - UNFAIR COMPETITION

46 Plaintiff incorporate herein each and every allegation set forth in Paragraphs 1 through 30, 32-34, 36-37 as if fully set forth herein

47 Defendants' aforesaid acts constitute infringement, misappropriation, and misuse of Plaintiff's mark, unfair competition, palming-off and passing-off against Plaintiff, and unjust enrichment of Defendants, all in violation of Plaintiff's rights at common law

48 Defendants' aforesaid acts has caused and will continue to cause great and irreparable injury to Plaintiff, and unless restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury

49 Plaintiff has no adequate remedy at law

WHEREFORE, as to Counts 1-5, Plaintiff respectfully prays

a That this Court will adjudge that the trademark "GET LUCKY" has been infringed as a direct and proximate result of the acts of Defendants as set forth in this Complaint, in

11-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Pag

violation of Plaintiff's rights under the Lanham Act 15 U.S.C. §1051 et seq. and the common law, and that such infringement amounts to wilful use by Defendants of Plaintiff's trademark

b That this Court will adjudge that Defendants have competed unfairly with Plaintiff as set forth in this Complaint, in violation of Plaintiff's rights under the Lanham Act, 15 U.S.C. §1125(a), and the common law

c That Defendants, and all officers, directors, agents, servants, employees affiliates, parents, attorneys, successors, and assigns, and all persons in active concert or participation therewith, be preliminarily and permanently enjoined and restrained

1 From using the accused trademark "GET LUCKY" or any other designation service mark, or trademark similar to Plaintiff's mark complained of herein, in any way, including, in connection with clothing, jeans, or any similar goods or services which are likely to cause confusion, and

2 From preparing, manufacturing, linking, publishing or otherwise acquiring or using any goods or services that utilize the "GET LUCKY" trademark, and doing any other act or thing likely to cause the public or the trade to believe that there is any connection between Plaintiff's and Defendants' goods, or their respective products and

3 From all further sales and commercial dealings that utilize the "GET LUCKY" trademark, or any colorable imitation

4 From placing any advertisement or promotion in any medium which utilizes the "GET LUCKY" trademark or designation

d That Defendants be required to delete and remove any metatags or other indexing means from their various web sites containing Plaintiff's "GET LUCKY" trademark or

1-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

designation, and that in any way refer to Plaintiff or divert Internet traffic away from web sites actually sponsored, affiliated, or controlled by Plaintiff or that otherwise refer to Plaintiff

e That Defendants be directed to file with this Court and to serve upon Plaintiff within thirty (30) days after service of the injunction issued in this action, a written report under oath, setting forth in detail the manner of compliance

f That Plaintiff recover Defendants' profits and damages arising from Defendants' acts of trademark infringement, false designation of origin, false description or representation, and unfair competition

g That the Court award an amount to Plaintiff for corrective advertisement, based on an analysis of the resources expended by Defendants in so saturating the market through Defendants' use of Plaintiff's trademark or designation

h That the Court treble such damages as awarded in accordance with paragraph f

i That Plaintiff recover, in addition to such sums as otherwise awarded punitive damages in an amount that the Court deems just and proper

j That Plaintiff recover pre-judgment and post-judgment interest on each and every award

k That Plaintiff recover its reasonable attorney fees incurred in this action and that this is an exceptional case pursuant to 15 U.S.C. §1117

l That Plaintiffs have and recover its taxable costs and disbursements incurred in this action

m That the Court order the dismissal of Defendant Lucky Brand's Opposition No. 118 603 and find that Plaintiff is the rightful owner of the "GET LUCKY" trademark

1-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

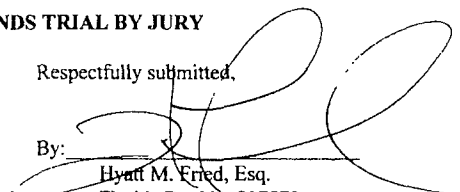
n. That Plaintiff have other and such further relief as the Court may deem just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY

Date: September 9, 2001

Respectfully submitted,

By:



Hyatt M. Fried, Esq.
Florida Bar No. 817570
FRIED & ASSOCIATES, P.A.
2630 Hollywood Blvd., Suite 101
Hollywood, Florida 33020
Telephone: 954-923-2000
Facsimile: 954-923-0903

1-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

05-08-2000
U.S. Patent & TMOR/TM Mail Recpt (DL #11)

TRADEMARK
Docket No 110 2*41/GJN/L314

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No 75/466,537 of Marcel Fashion Group, Inc., filed April 13, 1998, for the mark GET LUCKY in Class 25, as published in the Trademark *Official Gazette* on January 4, 2000 (the term for opposition having been extended to May 3, 2000)

LUCKY BRAND DUNGAREES, INC ,)	Opposition No
)	
Opposer,)	NOTICE OF OPPOSITION
)	
v)	
)	
MARCEL FASHION GROUP, INC)	Mark GET LUCKY
)	Serial No 75/466,537
Applicant)	Filed April 13, 1998
)	

Lucky Brand Dungarees, Inc ("Lucky Brand" or "Opposer"), a Delaware corporation having its principal place of business at 4599 District Boulevard, Vernon, California, 90058, believes that it will be damaged by the registration of the mark shown in Application Serial No. 75/466,537 in International Class 025 and hereby opposes its registration

As grounds for opposition, Opposer alleges that

1 Applicant Marcel Fashion Group, Inc ("Marcel Fashion Group" or "Applicant") seeks to register GET LUCKY as a trademark for CLOTHING, NAMELY, MEN'S AND WOMEN'S JEANS AND T SHIRTS, AND BABY CLOTHES NAMELY T-SHIRTS, SHORT SETS COMPRISED OF TOPS AND SHORTS, PANTS SETS COMPRISED OF TOPS AND PANTS, AND ROMPERS, in International Class 025 alleging a date of first use of February 1985, as evidenced by the publication of this mark in the *Official Gazette* on page TM 508 of the January 4 2000 issue

2 Opposer has used the designation GET LUCKY

1-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

Opposition to Serial No. 75/466,537

3. Opposer is informed and believes, and on that basis alleges, that Applicant abandoned any trademark rights it may have had in the designation GET LUCKY before Applicant's filing date (i.e., April 13, 1998) for the present application.

4. Opposer's rights in GET LUCKY precede any rights Applicant may have in the designation GET LUCKY for use in association with the goods listed in the pending application (i.e., Applicant's filing date of April 13, 1998).

5. The designation Applicant seeks to register, GET LUCKY, is identical to Opposer's GET LUCKY designation, at least as to visual appearance, sound, commercial impression, and connotation.

6. The goods identified in Applicant's application are identical or closely related to at least some of the goods with which Opposer has associated its GET LUCKY designation.

7. Opposer is informed and believes, and on that basis alleges, the marketing and channels of trade associated with the goods identified in Applicant's application are closely related, if not identical, to the marketing and channels of trade within which Opposer sells, markets, and advertises goods associated with its GET LUCKY designation.

8. Registration of Applicant's GET LUCKY designation would be inconsistent with the rights of the Opposer.

9. Applicant's registration and/or use of the designation GET LUCKY in association with the goods listed in its application is likely to cause injury to Opposer's business reputation and to injure and impair Opposer's rights in its GET LUCKY designation by causing confusion, mistake, and/or deception as to the respective rights of the parties and as to the source or sponsorship of the respective goods.

10. Alternatively, Applicant's registration and/or use of the designation GET LUCKY in association with the goods listed in its application is likely to cause injury to Opposer's business reputation and to injure and impair Opposer's rights in its GET LUCKY designation by preventing Opposer from using the designation in a descriptive manner (e.g., using the phrase "Get Lucky" to encourage consumers to purchase Lucky Brand clothing products).

1-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

Opposition to Serial No. 75/466,537

11 Opposer is informed and believes, and on that basis alleges, that Applicant was aware of the fact that it did not own trademark rights in the designation GET LUCKY, dating back to Applicant's alleged date of first use of February 1985 for the goods listed in the application, at the time it filed the present application (i.e., Ser. No. 75/466,537).

12. Opposer is informed and believes, and on that basis alleges, that Applicant's failure to disclose the fact that it did not own rights in the designation GET LUCKY, dating back to Applicant's alleged date of first use of February 1985 for the goods listed in the application, was knowing and willful, and made with full knowledge that such false statements would jeopardize the validity of the application or any registration resulting therefrom.

13 Opposer is informed and believes, and on that basis alleges, Applicant was aware of the fact that Opposer had rights in GET LUCKY at the time it filed the present application.

14 Opposer is informed and believes, and on that basis alleges, that Applicant's failure to disclose the fact that it was aware of Opposer's rights in GET LUCKY at the time it filed its application, was knowing and willful, and made with full knowledge that such false statements would jeopardize the validity of the application or any registration resulting therefrom.

1-cv-07495-WPD Document 1 Entered on FLSD Docket 09/20/2001 Page

Opposition to Serial No. 75/466,537

WHEREFORE, Opposer prays that this opposition be sustained, Application Serial No 75/466,537 be rejected, and that Applicant's designation GET LUCKY, for the goods listed in the pending application, be refused registration.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date 5/3/2000

By Gary J. Nelson
Gary J. Nelson
Attorneys for Opposer
P O Box 7068
Pasadena, California 91109 7068
626/795-9900

GJN/tmt
Enclosures Copy of Notice of Opposition
TMT PAS247927 1 - 5/3/00 3 03 PM

1-07495-WPD Document 1 Entered on FLSD Docket 02/20/2011 Page 17

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974 is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

MARCEL FASHIONS GROUP, INC.

DEFENDANTS **CIV-DIMITROULEAS**
LUCKY BRAND DUNGAREES, INC. AND
FEDERATED DEPARTMENT STORES, INC.
MAGISTRATE JUDGE
JOHNSON

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT BROWARD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)
HYATT M. FRIED, ESQ., FRIED & ASSOCIATES
2630 HOLLYWOOD BLVD., #101
HOLLYWOOD, FLORIDA 33020 954-923-2000

ATTORNEYS (IF KNOWN)

1) CIRCLE COUNTY WHERE ACTION AROSE DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
U.S. Government Defendant ☐ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State ☒ PTF DEF ☐ Incorporated or Principal Place of Business in This State ☐ PTF DEF ☐
Citizen of Another State ☐ Incorporated and Principal Place of Business in Another State ☒
Citizen or Subject of a Foreign Country ☐ Foreign Nation ☐

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ Original Proceeding ☐ Removed from State Court ☐ Remanded from Appellate Court ☐ Reinstated or Reopened ☐ Transferred from another district (specify) ☐ Multidistrict Litigation ☐ Appeal to District Judge from Magistrate Judgment

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 161 Medicare Act 170 Recovery of Defaulted Student Loans 180 Recovery of Overpayment of Veteran's Benefits 190 Stockholders Suits 200 Other Contract 210 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 375 Train or Landing <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 410 Agriculture <input type="checkbox"/> 420 Other Food & Drug <input type="checkbox"/> 425 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 430 Liquor Laws <input type="checkbox"/> 440 R.R. & Truck <input type="checkbox"/> 450 Airline Regs. <input type="checkbox"/> 460 Occupational Safety/Health <input type="checkbox"/> 490 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Writ/Gavel 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 420 Copyrights <input type="checkbox"/> 430 Patent <input checked="" type="checkbox"/> 440 Trademark B SOCIAL SECURITY <input type="checkbox"/> 451 HIA (1395f) <input type="checkbox"/> 462 Black Lung (923) <input type="checkbox"/> 463 CIVIC DAWW (405g) <input type="checkbox"/> 464 SSIO Title XVI <input type="checkbox"/> 465 RSI (405g) FEDERAL TAX SUITS <input type="checkbox"/> 470 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 471 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce Code Rates/etc <input type="checkbox"/> 460 Deception <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Selective Service <input type="checkbox"/> 490 Securities Commodity Exchange <input type="checkbox"/> 475 Customer Challenge 12 USC 3410 <input type="checkbox"/> 481 Agricultural Acts <input type="checkbox"/> 482 Economic Stabilization Act <input type="checkbox"/> 483 Environmental Matters <input type="checkbox"/> 484 Energy Allocation Act <input type="checkbox"/> 485 Freedom of Information Act <input type="checkbox"/> 490 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 495 Continuity of State Statutes <input type="checkbox"/> 499 Other Statutory Actions A OR B
A REAL PROPERTY 210 Easement 220 Foreclosure 230 Rent Lease & Easement 240 Torts to Land 245 Tort Product Liability 250 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 520 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relation <input type="checkbox"/> 730 Labor Mgmt. Reopening & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigator <input type="checkbox"/> 761 Emp. Ret. Inc. Security Act	

I. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

TRADEMARK INFRINGEMENT 15 USC SEC 1051, et seq 15 USC Sec 1125

5TH OF TRIAL
(Days estimated for both sides to try entire case)

II. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND. ☐ YES ☐ NO

III. RELATED CASE(S) IF ANY (See instructions)

JUDGE

DOCKET NUMBER

"E"

SIGNATURE OF ATTORNEY OF RECORD

OFFICE USE ONLY

DEPT. 523400 AMOUNT 150 APPL. YING IF 9-19-01 JUDGE MAG. JUDGE